

Message Text

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E.O. 11652 : N/A

TAGS: PINS, PFOR, IN, PK

SUBJECT: G.K. REDDY ON HIJACKERS OF INDIAN AIRLINES BOEING TO
LAHORE

FOLLOWING SENT ACTION NEW DELHI FROM MADRAS SEPT 20TH
RPTD TO YOU:

QUOTE:

MADRAS 1713

E.O. 11652: N/A

TAGS: PINS, PFOR, IN, PK

SUBJECT: G.K.REDDY ON HIJACKERS OF INDIAN AIRLINES
BOEING TO LAHORE

FOLLOWL CG IS FULL TEXT OF G.K. REDDY ARTICLE TITLED:
"HIJACKERS: PAK. YET TO GIVE DETAILS" APPEARING IN
SEPTEMBER 20 HINDU.

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THERE IS STILL NO OFFICIAL INTIMATION FROM PAKISTAN OF THE NAMES, NATIONALITY AND MOTIVATIONS OF THE SIX MEN WHO HAD HIJACKED THE INDIAN AIRLINES BOEING 737 TO LAHORE ON SEPTEMBER 10 IN AN APPARENT ATTEMPT TO EXERT PRESSURE ON INDIA FOR WHATEVER PURPOSE.

THE PAKISTAN GOVERNMENT, WHICH ACTED IN AN EXEMPLARY MANNER IN APPREHENDING THE HIJACKERS, ENSURING THE SAFETY OF THE PASSENGERS AND RETURNING THE AIRCRAFT, HAS SO FAR DONE NOTHING MORE THAN ORDER A ROUTINE INQUIRY INTO THE INCIDENT. IT DOES NOT APPEAR TO BE IN ANY GREAT HURRY TO COMPLETE THE PRELIMINARY INVESTIGATION AND COMMUNICATE THE FINDINGS TO INDIA AS A MATTER OF INTERNATIONAL OBLIGATION.

THERE IS NOTHING THAT INDIA CAN DO IN THESE CIRCUMSTANCES EXCEPT WAIT FOR THE OUTCOME OF THIS INQUIRY BEFORE TAKING STEPS TO DEMAND THE EXTRADITION OF THESE MEN TO STAND TRIAL FOR CRIMINAL CONSPIRACY, AERIAL PIRACY AND TERRORISM. UNFORTUNATELY THE EXISTING INTERNATIONAL CONVENTIONS ARE NOT PARTICULARLY HELPFUL IN DEALING WITH HIJACKERS, UNLESS THE COUNTRIES CONCERNED ARE PREPARED TO ACT FIRMLY, BOTH INDIVIDUALLY AND COLLECTIVELY, TO ENSURE THE SAFETY OF AIR TRAVEL AND TO PREVENT PASSENGERS FROM BEING HELD AS HOSTAGES.

THOUGH INDIA AND PAKISTAN HAVE SIGNED THE THREE INTERNATIONAL CONVENTIONS OUTLAWING HIJACKING AND PRESCRIBING PROCEDURES FOR COPING WITH THIS NEW MENACE, THE TWO COUNTRIES HAVE NOT RATIFIED ALL OF THEM. THE FIRST CONVENTION SIGNED IN TOKYO IN 1963 WAS RATIFIED BY BOTH INDIA AND PAKISTAN, BUT NOT THE SUBSEQUENT ONE CONCLUDED AT THE HAGUE IN 1970 PROPOSING STRICTER PROCEDURES AND MORE STRINGENT PUNISHMENT. THE THIRD ONE THAT WAS SPONSORED BY THE INTERNATIONAL CIVIL AVIATION ORGANISATION IN MONTREAL EARLIER THAT YEAR WAS ALSO SIGNED BUT NOT RATIFIED BY BOTH INDIA AND PAKISTAN.

TAKING ADVANTAGE OF THIS AMBIGUOUS POSITION PAKISTAN HAS ONLY INSTITUTED AN INQUIRY TO MERELY ESTABLISH THE

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FACTS OF THE LATEST INCIDENT WITHOUT STRAIGHTWAY INITIATING LEGAL ACTION AGAINST THE CULPRITS, IN TERMS OF THE LESS COMPREHENSIVE TOKYO CONVENTION OF 1963 WHICH HAD BEEN SIGNED AND RATIFIED BY THE TWO COUNTRIES AND CONSEQUENTLY BINDING ON BOTH OF THEM. IF IT HAD NOT RELIED TOO HEAVILY ON THE TECHNICALITY OF RATIFICATION, PAKISTAN WOULD HAVE BEEN OBLIGED TO EXTRADITE THESE HIJACKERS TO INDIA, JUST AS FRANCE DID IN SENDING BACK THE CROATIANS TO THE

UNITED STATES, TO STAND TRIAL IN THE COUNTRY WHERE THE ORIGINAL CRIME OF AERIAL PIRACY HAD BEEN COMMITTED BY THEM.

THE HAGUE AND MONTREAL CONVENTIONS IMPOSE ON THE SIGNATORY NATIONS, UNLIKE THE EARLIER TOKYO CONVENTION, A MANDATORY OBLIGATION TO EXTRADITE THE CRIMINALS TO THE COUNTRY FROM WHERE THEY HAD INITIALLY HIJACKED THE AIRCRAFT EVEN IF THERE IS NO EXTRADITION TREATY BETWEEN THEM. WHEN THE HIJACKERS HARM THE PASSENGERS OR DAMAGE THE AIRCRAFT IN THE COUNTRY WHERE THEY ARE APPREHENDED, IT HAS THE RIGHT TO TRY THEM FIRST, BEFORE THE ACCUSED ARE REQUIRED TO STAND TRIAL FOR THE ORIGINAL CRIME OF HIJACKING IN THE COUNTRY WHERE THEY HAD COMMITTED THE OFFENCE.

BUT ALL THESE CONVENTIONS HAVE BEEN HONOURED MORE IN THE BREACH THAN IN OBSERVANCE BY MANY OF THE SIGNATORIES BECAUSE OF POLITICAL CONSIDERATIONS, WHICH IMPELLED SOME COUNTRIES TO GLORIFY SUCH ACTS INSTEAD OF CONDEMNING THEM. IT IS ONLY NOW THAT EVEN THE ARAB COUNTRIES HAVE STARTED VEERING ROUND TO THE VIEW THAT, WHATEVER THE EARLIER JUSTIFICATION, THE HIJACKING INCIDENTS ARE BECOMING A THREAT TO INTERNATIONAL PEACE AND SOMETHING HAS TO BE DONE TO DISCOURAGE THEM. IN SOME OF THE RECENT CASES, EVEN LIBYA HAS NOT BEEN TOO ENTHUSIASTIC ABOUT GIVING SHELTER TO HIJACKERS WHO HAVE COME TO LOOK UPON IT AS THEIR ULTIMATE SANCTUARY FOR ESCAPING RETRIBUTION.

THE EXTERNAL AFFAIRS MINISTER, MR. Y.B. CHAVAN, WHO HAD SPOKEN TO MR. BHUTTO PERSONALLY OVER THE TELEPHONE TO ASK FOR ALL POSSIBLE STEPS TO ENSURE THE SAFETY OF THE PASSENGERS AND THE AIRCRAFT, WILL HAVE AN OPPORTUNITY TO ASCERTAIN FULLER DETAILS OF WHAT PAKISTAN WAS DOING TO

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BRING THE HIJACKERS TO TRIAL, WHEN HE MEETS HIS PAKISTANI COUNTERPART, MR. AZIZ AHMED, DURING THE U.N. GENERAL ASSEMBLY SESSION. WHATEVER THE PROCEDURAL REQUIREMENTS OF THE VARIOUS CONVENTIONS, INDIA EXPECTS PAKISTAN TO PLAY ITS PART IN PUNISHING THESE HIJACKERS AND PREVENTING SUCH ADVENTURES FROM IMPAIRING THE RECENT IMPROVEMENT IN INDO-PAK. RELATIONS. UNQUOTE. SCOTT

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